

CHILD SAFE POLICY & PROCEDURE

RTO Code: 3139
Policy # Version 2
Policy Area: Staff
Authorised by: M.Brend
Date: July 2017



ACDA is committed in conducting a training organisation that aligns with the Child Safety Standards under *the Legislation – Child Wellbeing and Safety Amendment (Child Safety Standards) Act 2015* and the statutory duty of care under the *Wrongs Amendment (Organisational Child Abuse) Act 2017* to ensure there is a clear legal duty of care to create a culture of child safety and to minimise the risk of child abuse.

The new statutory means a child abuse survivor (plaintiff) will have a clear cause of action when commencing legal proceedings against an organisation for the sexual and/or physical abuse of a child. It is then up to the organisation to prove that it took reasonable precautions to prevent the abuse. This duty will provide clarity for both organisations and survivors of abuse.

A Victorian reportable conduct scheme will commence operation on 1 July 2017, and it will be administered by the Commission for Children and Young People.

There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

ACDA has public statement of commitment to child safety acting in the best interest of supporting child safety, this is also on ACDA website.

ACDA is committed to child safety and have zero tolerance of child abuse.

We support and respect all our students, as well as our trainers, staff, industry guests and volunteers.

We promote diversity and tolerance at ACDA and promote the cultural safety, participation and empowerment of Aboriginal students, students from culturally and/or linguistically diverse backgrounds as well as students with a disability.

ACDA is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.

All allegations and safety concerns will be treated very seriously and respond to them with commitment and privacy.

We have a legal and moral obligation to contact authorities when we are worried about student safety.

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Information

regarding child safe standards is available to teachers

ACDA has zero tolerance of child abuse

Definition of child abuse:

- Physical abuse
- Sexual Offences
- Serious emotional or psychological abuse
- Serious neglect
- An offence under section 49B(2) of the *Crimes Act 1958* (grooming)

ACDA supports the active participation of teachers, staff, student's and guest speakers in our organisation in a safe, respectful and fair way

ACDA will maintain a rigorous and consistent recruitment, screening and selection process for new teachers and staff. The process includes interviews by CEO with prospective reference checks, and qualification checks including working with children and/or VIT registration checks.

ACDA promotes the cultural safety of aboriginal students and students from cultural and/or linguistically diverse backgrounds as well as students with a disability. This is achieved by:

- Respect of students
- Creating a sense of identity
- Clearly demonstrate a zero tolerance of abuse and discrimination
- Accepting, respecting and welcoming the differences between and within cultures
- Empowering children with a disability by assisting them to build their self-esteem and confidence
- Provide training and development to teachers on cultural sensitivity
- Employ staff who display cultural sensitivity
- Ensuring complaint and grievance processes are easily understood

All teachers and staff have legal and moral obligations to contact authorities when concerned about student safety; the matter may be reported to the police or relevant State authority.

- Authorities to contact: CEO
- Department of Health and Human Services
- Victoria Police
- Child Protection Services
- Emergency 000

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It is mandatory that any teacher or staff member must contact the CEO Merilyn Brend in regard to their concern of a student's safety.

A staff member or teacher that may form a belief on reasonable grounds that a student is need of protection after becoming aware that a child health, safety or wellbeing is at risk and must report the matter to the CEO. Then take the appropriate reporting procedure if necessary. *See *procedure below*.

ACDA will take all allegations and concerns very seriously and respond to them with commitment and privacy

All teachers and staff are not to be alone with one student at any one time. Guest speakers are monitored/supervised by teachers and never left on their own with them.

Retain all records of the allegation of child abuse and the RTO response and store in appropriate method for security and privacy

ACDA will provide induction and training in recognising and responding to child abuse, including what to do if an allegation is made or a concern raised

Ensure students know the process to report abuse and feel comfortable reporting abuse.

All Trainers will have a VIT registration and/or Working with children check. Staff members will hold a current Working with children check.

Students code of conduct added to terms and conditions and website

As of July 2017 Victoria has a *Reportable Conduct Scheme the Commission for Children and Young People* will oversee the scheme to monitor how organisations respond to allegations of child abuse and misconduct.

Procedure for teachers and staff to report allegations of child abuse and child related misconduct.

Once a teacher or staff member has any concerns about the safety and wellbeing of a student, they must report to the CEO their concerns. This can be initially verbally followed by a written report.

A written report with all relevant information necessary should include the following:

- date of incident or concern

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- full name, date of birth, and residential address of the child or young person
- the details of the concerns and the reasons for those concerns
- the individual staff member's involvement with the child and young person
- details of any other agencies who may be involved with the child or young person, if known.
- the date name and position of the person who made the report and the person who received the report

The CEO is required to:

- respond to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated
- report allegations which may involve criminal conduct to the police
- notify *Commission for Children and Young People* of allegations within 3 business days after becoming aware of the allegation
- give *Commission for Children and Young People* certain detailed information about the allegation within 30 days after becoming aware of the allegation
- after the investigation has concluded, give us certain information including a copy of the findings of the investigation
- ensure that their organisation has systems in place to:
 - prevent reportable conduct from being committed by a worker or volunteer within the course of their employment
 - enable any person to notify the head of a reportable allegation
 - enable any person to notify *Commission for Children and Young People* of a reportable allegation involving the head
 - investigate and respond to a reportable allegation against a worker or volunteer from that organisation.

The CEO must use the *Commission for Children and Young People* online form "Notify and update reportable allegations"

It is a criminal offence for a head of an organisation to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse.

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CONSIDER THE RANGE OF HIGH-RISK CIRCUMSTANCES

(Extract from "Guidance for TAFEs and RTOs in meeting Child Safe Standards"
education.vic.gov.au)

TAFEs and RTOs should identify risks and implement risk management strategies that extend to any physical place made available or authorised for use by a child or young person under the age of 18 during or outside regular hours. Some examples of high-risk circumstances are provided below.

As each organisation varies in size and in the nature of their interaction with children and young people under the age of 18, the identification of risks needs to be undertaken in the organisations own context.

This may include:

1. Personnel working closely with children and young people under the age of 18 in education and other activities – this includes current staff, contractors and volunteers. It should also include interactions in an online learning context.
2. Children and young people under the age of 18 participating in workplace learning – for example, children and young people may undertake work experience, structured workplace learning, community work (volunteering), apprenticeships and traineeships.
3. Children and young people under the age of 18 participating in off campus activities – for example, field trips and camps. Many institutions will have existing policies and procedures relating to such activities.
4. Children and young people under the age of 18 participating in extra-curricular activities – for example, sports music drama or social clubs offered through the organisation.
5. Children and young people under the age of 18 living in residential facilities or with local host families.

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6. Students

working with children and young people under the age of 18 as part of their course – students undertaking clinical placements, teaching/training education placements or other activity that involves regular contact with children and young people under the age of 18.

7. Research activities involving children and young people under the age of 18 recognising the range of research interests and approaches, and the need for appropriate risk management strategies.

In addition, there may be situations, such as open or orientation days, in which the organisation incorporates a risk management approach to the safety of children and young people under the age of 18.